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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,772

02/09/2006

Masatoshi Kuwajima

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5367

24978 7590 01/05/2009

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1791

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,772	<b>Applicant(s)</b> KUWAJIMA, MASATOSHI	
	<b>Examiner</b> Justin R. Fischer	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Terminal Disclaimer***

1. The terminal disclaimer filed on October 13, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,843,288 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellweg (US 6,463,974) and further in view of Schubert (US 2384402). Hellweg teaches a wheel assembly having a runflat support member formed of an annular shell 3 and a pair of rings 4, 5, wherein the ends of said shell (flanged ends) are embedded within said rings. A fair reading of Hellweg further suggests that the annular shell can be formed of metal (see Background of Hellweg). Hellweg, however, is silent as to the inclusion of notches in the ends of said annular shell. In any event, it is well known to include notches or slots at the marginal ends of a wide variety of components in order to, among other things, eliminate wrinkling. Schubert provides one example of such an arrangement in which notches are arranged at the marginal end portions of a similar flanged, metal component in order to prevent wrinkling and the buildup of stresses

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(Column 1). It is emphasized that the metal component of Schubert is extremely analogous to the annular shell of Hellweg in that both are curved or flanged metal components- the benefits of reduced wrinkling would be expected to result in the tire of Hellweg in view of Schubert. It is further noted that applicant similarly attributes the benefit of reduced wrinkling and reduced buildup of stresses due to the inclusion of notches. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include notches in the curved tire component (annular shell) of Hellweg.

As to the ends of the annular shell, the figures of Hellweg generally depict said ends as being significantly embedded in the respective rings. Furthermore, one of ordinary skill in the art at the time of the invention would not have formed the assembly such that the end portions are flush with the surfaces of the ring (equivalent to 100% coverage). Thus, the general disclosure of Hellweg suggests a significant amount of embedding without completely extending over the width of said rings and such a disclosure appears to be consistent with the broad range of the claimed invention.

Regarding the length of the notches, Schubert depicts the periodic inclusion of notches at the marginal end portions of a flanged, metal component. A fair reading of the reference suggests that the notches necessarily have some length and that said length is not significant as compared to the circumferential length of said tire component. One of ordinary skill in the art at the time of the invention would have readily appreciated the broad range of the claimed invention (between 1 and 15 mm) in view of the general disclosure noted above. It is emphasized that the notches are not

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included to define the predominant area of the end portions and thus, one of ordinary skill in the art at the time of the invention would have expected the notches to have a length in accordance to the claimed invention.

Lastly, with respect to the independent claim, Table 1 is not seen to provide a conclusive showing of unexpected results. In particular, one of ordinary skill in the art at the time of the invention would not have expected the notches to have a significant length and thus occupy a large area of the edge portions. It is evident that the notches must have some length and the results demonstrate, for example, that a relatively large notch length (17 mm) is not as effective as smaller lengths (although it is better than a "notchless" assembly- comparative example 1). Additionally, it is evident that an increase in notch length would result in a reduction in tire weight (less material). Lastly, it is emphasized that the reference generally depicts a significant degree of embedding without completely extending over the width of said rings and such a disclosure appears to be consistent with the broad range of the claimed invention.

With respect to claims 2 and 3, one of ordinary skill in the art at the time of the invention would not have expected the area of the notches to occupy a significant area of the edge portions (periodically included)- such an arrangement is consistent with the claimed relationship between the length of the notch and the alignment pitch. Also, applicant has not provided a conclusive showing of unexpected results for either of the claimed relationships. Lastly, with respect to claim 3, the connecting portion of Hellweg necessarily has a radius of curvature and the claim defines a broad range of values without providing a conclusive showing of unexpected results.

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As to claims 4 and 5, Hellweg appears to suggest the use of metal to form said annular shell. While the reference fails to expressly disclose the type of metal, stainless steel represents one of the most common metallic materials used in a wide variety of applications/components, including tire components. Furthermore, the claimed breaking strengths are consistent with stainless steel (inherent property- approximately 860 MPa). Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to form the shell from a material having the claimed breaking strength.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin Fischer  
/Justin R Fischer/  
Primary Examiner, Art Unit 1791  
January 2, 2009